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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,742

Applicant(s)

COLE ET AL.

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to because Fig 2 consists of a flow chart with part numbers. To provide information, flow charts must have explanatory text in the boxes. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the game station configurator must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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The following title is suggested: Ergonomically-Designed Dual Display Gaming Station
With Player Conveniences.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 33 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for configuring the game station based on the personal profile of the player, does not reasonably provide enablement for “a game station configurator”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. No “configurator” is described in the claims or shown in the drawings.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "said central server" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes that the claim was intended to depend from claim 10.

9. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Claim 31 recites the limitation "said means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 12, 18, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Fey (*Slot Machines, A Pictorial History*).

Claim 12: On page 221, Fey discloses a 1993 Bally gaming machine console that presents a plurality of games for play to a player – poker and standard reel slots. There is a base unit having a supporting base portion. There is a generally planar playing surface positioned above the base portion. The playing surface extends outwardly of at least a portion of the supporting base for accepting the legs of a player thereunder. There is a console extending upwardly from the generally planar surface. There is a first display (the video screen) and a second display (the sign) associated with the console and adapted to display information to the player. The supporting base defines an interior space. While not explicitly shown, the system inherently contains a game controller located in the interior space that presents game information on at least one of the first and second displays.

Claim 18: Fey teaches that the Bally console includes a bill acceptor. This is a wager-accepting device.

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Claim 34: On Page 59, Fey discloses a Watson 1894 Combination Card and Dice machine. There are two displays and two game control devices adapted to concurrently present two independent games on the displays for play by a player. There is a wager accepting device (the coin slot) adapted to accept a wager from a player to entitle the player to play at least one game.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 7, 13, 17, 19-21 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey (*Slot Machines, A Pictorial History*) as applied to claim 12 (if appropriate).

Claim 1: Fey (page 59) teaches a Watson, 1894 Combination Card and Dice game station. There is a single base unit (the ornate metal cabinet). There is a first gaming controller (the reel controller) arranged to present a first game (cards) to the player. There is a first display (the card reels) receiving a signal from the first game controller and displaying information regarding the first game. As can clearly be seen, the first display is supported by the base unit. There is a second gaming controller (the device that causes the dice to roll) arranged to present a second game to the player. There is a second display (the dice) receiving a signal from the second game controller (rolling the dice) and displaying information about the second game. The second display is clearly

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supported by the base unit and located adjacent the first game controller. There is a wager accepting device (a penny slot) adapted to accept a wager from the player to entitle the player to play at least one of the games. The wager accepting device is associated with the base unit.

While not explicitly stated in either the specification or the claim, Examiner believes the Applicant intends the claimed game controllers to be microprocessors and the claimed displays to be video displays. Fey teaches (page 221) that modern gaming machines have microprocessors as controllers and video screens as displays. Electronic controllers and displays are less prone to failure than mechanical or electro-mechanical controllers and displays because they have fewer moving parts. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used microprocessors for game controllers and video displays for game displays in order to reduce the risk of system failure.

Claim 7: Fey's Watson, 1894 Combination Card and Dice game station teaches the invention substantially as claimed. The Watson machine does not, however, have a play surface supported by the base unit adapted to support game paraphernalia permitting a player to play a third game. Fey also teaches a 1993 Bally gaming machine console (page 221) with a play surface (the shelf portion toward the front of the console) supported by the base unit adapted to support game paraphernalia permitting a player to play a third game. The more games a player plays at a time, the more money the casino makes. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included with a play surface supported by the base unit adapted to

support game paraphernalia permitting a player to play a third game in order to encourage the player to play more games at the same time, thus increasing casino revenue.

Claim 13: Fey's 1993 Bally console teaches the invention substantially as claimed, but does not teach a first game controller for presenting information concerning a first game and a second game controller for presenting information regarding a second game. The Watson 1894 Combination Card and Dice game has a first game controller for presenting information concerning a first game and a second game controller for presenting information regarding a second game. On 221, Fey makes it clear that the Bally console can be adapted to contain different games. The Watson machine provides the player with multiple chances to win for the same amount of money. This is always popular with the players. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a first game controller for presenting information concerning a first game and a second game controller for presenting information regarding a second game in order to provide the player with multiple chances to win for the same bet, thus increasing the gaming machine's popularity.

Claim 17: The Bally console has a number of vertical supports -- the side walls. While not specifically shown, the game controller must either be supported by the vertical supports or sit loose on the floor. Electronic components that sit loose on the floor are more likely to be damaged than those that are supported within a cabinet. It would have been obvious to one of ordinary skill in the art at the time of the invention to have supported the game controller by the vertical supports in order to reduce the risk of damage.

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Claim 19: Claim 19 describes two Watson 1894 Combination Card and Dice machine/Bally Console combinations (as discussed in claims 7 & 13) placed back-to-back. Casinos often place game consoles back-to-back in order to get the largest number of gaming machines possible into the allotted floor space. (Fey's cover shows a room full of gaming machines configured in this manner.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have configured game consoles back-to-back in order to get the largest number of gaming machines possible into the allotted floor space.

Claim 20: Fey (page 221) teaches that one of the advantages of the Bally console is that the player can sit while playing. This means there must be a seat associated with the console and thus with each of the play areas. The seat must be positioned outwardly of the base – if it were positioned inside the base, the player could not sit on it. As can easily be seen from the picture, the player's legs can extend under the playing surfaces toward the base portion. In other words, the shelf-like lip (playing surface) protrudes from the base.

Claim 21: The Bally console does not show a counter positioned adjacent to the playing surfaces with a cup holder. The art is replete with counters with associated cup holders. Pages 144 and 145 of Fey show three such counters. They give the player a place to put a drink without spilling it. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a counter positioned adjacent to the playing surfaces with a cup holder in order to give the player a place to put a drink without spilling it, thus providing player convenience.

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Claim 23: The playing surface (i.e., shelf or lip) of the Bally console is essentially a tray.

When the player is seated, the tray would be adjacent to the seat.

14. Claims 2, 3, 6, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey as applied to claim 1 or 7 above, and further in view of Itkis (US Patent Number 4,856,787).

Claim 2: Fey teaches the invention substantially as claimed, but does not teach the first game being a Class II game. Itkis, another gaming machine that allows the player to play multiple games on the same device, teaches Bingo as a first game. Bingo is a Class II game of immense popularity. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the first game to be a Class II game (i.e., bingo) to take advantage of the tremendous popularity of bingo.

Claim 3: The second game is a dice game. This is a Class III game.

Claim 6: Fey teaches the invention substantially as claimed, but does not teach the player choosing from a group of games to be played using the first controller. Itkis teaches allowing the player to choose a game from a group of games. (Abstract) This adds flexibility to the gaming machine because the same gaming machine hardware can be used to play several different games. In addition, it increases player satisfaction because the player is not stuck playing the same game every time. It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed the player to choose a game from a group of games in order to add flexibility to the gaming machine by allowing the same gaming machine hardware to be used to play several different games and to increase player satisfaction by allowing the player to vary the games played.

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Claims 8 & 9: Fey teaches the invention substantially as claimed. Fey does not, however, teach that the third game is bingo or keno. The play surface provided by the 1993 Bally console is essentially a shelf. The paraphernalia for virtually any game can be placed on a shelf. Itkis teaches a third game that may be bingo or keno. (Fig 4) These games are tremendously popular games that earn casinos a great deal of money. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the third game be keno or bingo in order to take advantage of the tremendous popularity of these games and their earning potential for the casino.

Claim 10: Fey teaches the invention substantially as claimed, but does not teach connecting the first or second controller to a central server. Itkis teaches linking the local controller to a central controller (Fig 1). The system described in Itkis allows the local controllers (i.e., the 1st and 2nd controllers) to be inexpensive smart terminals while the central controller is a general-purpose computer. (Col 2, 48-62) This reduces system costs. It would have been obvious to one of ordinary skill in the art at the time of the invention to have connected the first or second controller to a central server in order to reduce system costs by allowing the controllers to be inexpensive smart terminals instead of general-purpose computers.

Claim 11: Itkis discloses two or more players sharing a jackpot for play on separate machines connected to the central controller. (Col 5, 49-52) Obviously, this means the controllers on each machines must receive jackpot information from the central controller.

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15. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey as applied to claim 1 above, and further in view of Marnell II (US Patent Number 5,259,613).

Claims 4, 5: Fey teaches the invention substantially as claimed, but does not teach displaying information from a secondary source in addition to the first and second gaming controller. Marnell teaches displaying video images representing content from a remote location on video monitors located adjacent to each slot machine. (Abstract) This provides additional entertainment to the casino patrons, resulting “in players staying at a machine considerably longer than at other machines not having this feature.” (Abstract) This translates to greater casino profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed video information representing content from a remote location from a secondary source in addition to the first and second gaming controller in order to provide additional entertainment to the casino patrons, resulting in players staying at a machine considerably longer than at other machines not having this feature, thus boosting casino profits.

16. Claim 14-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fey as applied to claim 12 above, and further in view of Taylor (US Patent Number 3,689,072).

Claims 14-16: Fey teaches the invention substantially as claimed in the Bally console. Fey does not teach a generally transparent cover positioned over the playing surface that permits the player to place game paraphernalia between the cover and the playing surface. Taylor teaches a generally transparent cover over a playing surface that permits a player to place game paraphernalia (a bingo card) between the cover and the playing surface. This allows the player to easily mark the bingo card without losing the markers

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or the card. (Abstract) The more games a player plays at a time, the more money the casino makes. Bingo is a popular game with enormous earning potential for the casino. Bingo is essentially a form of keno. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a generally transparent cover positioned over the playing surface that permits the player to place game paraphernalia between the cover and the playing surface in order to make it easier for a player to play bingo or keno thus taking advantage of the tremendous popularity of these games and their earning potential for the casino.

17. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fey as applied to claim 19 above, and further in view of Garrison (US Patent Number, 327,939).

Claim 22: Fey teaches the invention substantially as claimed. Fey does not teach a hook extending downwardly from the playing surfaces. The use of hooks and pegs and similar structures for hanging articles of clothing is notoriously well known to the public in general. Garrison teaches a hook (Figs 1-5) for hanging articles such as coats, hats, and purses. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a hook beneath the playing surfaces so that the players have a place to hang their coats, hats, purses or other personal effects.

18. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey as applied to claim 19 above, and further in view of Gabrius et al (US Patent Number 5,113,990).

Claims 24, 25: Fey teaches the invention substantially as claimed, Fey teaches that the Bally console has a bill validator built in. Fey does not teach placing the bill validator in a separate housing attached to the console. Gabrius teaches attaching a bill validator in a

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separate housing to the console. (Fig 1) Putting the bill validator in a separate housing attached to the console allows easy access to the bill validator for maintenance. It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the bill validator in a separate housing attached to the console in order to allow easy access to the bill validator for maintenance.

Claims 26 & 27: Fey teaches a removable access panel or a support for the game controller allowing access to the game controller via the access panel. (Page 221, upper left picture.)

19. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey in view of Okada (US Patent Number 4,889,339).

Claims 28, 29, 32: Fey (page 59) teaches a Watson, 1894 Combination Card and Dice game station. There is a single base unit (the ornate metal cabinet). There is a first gaming controller (the reel controller) arranged to present a first game (cards) to the player. There is a first display (the card reels) receiving a signal from the first game controller and displaying information regarding the first game. As can clearly be seen, the first display is supported by the base unit. There is a second gaming controller (the device that causes the dice to roll) arranged to present a second game to the player. There is a second display (the dice) receiving a signal from the second game controller (rolling the dice) and displaying information about the second game. The second display is clearly supported by the base unit and located adjacent the first game controller. There is a wager accepting device (a penny slot) adapted to accept a wager from the player to

entitle the player to play at least one of the games. The wager accepting device is associated with the base unit.

Fey's Watson Combination Card & Dice machine presents a first game (cards) of a first display and a second game (dice) on a second display. Funds representing a wager are allocated to the first and second games to establish entitlement to play the games. The player turns the crank, thus providing input. The machine provides a result of the first and second games.

While not explicitly stated in either the specification or the claim, Examiner believes the Applicant intends the claimed game controllers to be microprocessors and the claimed displays to be video displays. Fey teaches (page 221) that modern gaming machines have microprocessors as controllers and video screens as displays. Electronic controllers and displays are less prone to failure than mechanical or electro-mechanical controllers and displays because they have fewer moving parts. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used microprocessors for game controllers and video displays for game displays in order to reduce the risk of system failure.

Fey does not teach accepting credit from the player. This is extremely well known in the art. Okada teaches a gaming machine of this type. (Col 3, 40-52) Accepting credit from a player allows the player to gamble more than if the casino required cash. This increases casino profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have accepted credit from the player to allow the player to gamble more, thus increasing casino profits.

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Claim 30: The money accepted is allocated to a wager to play at least one game. The credit provided by the player would obviously be allocated for the same purpose.

Claim 31: The crank on the side of the Watson machine is a master game controller because it controls the operation of the first and second controllers by initiating play.

20. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fey in view of Walker et al. (US Patent Number 6,110,041).

Claim 33: Fey teaches a Bally gaming station to be played by a player in a seated position. The game station is accessible to players who have physical and/or other disabilities or impairments (i.e. deafness, blindness, schizophrenia, paranoia, impaired judgment, etc.). There is a base unit extending upwardly from a support surface (the floor). As clearly shown, the base unit includes an outwardly extending, generally horizontal playing surface that is adapted to permit a wheelchair to extend thereunder. There is at least one display positioned above the playing surface and positioned at eye level of a seated person. The game obviously includes a game controller for presenting game information to the display – it could not function without one. There is a data input for accepting game station control data from an enabling control device used by the player – the bill acceptor is used by the player to input data (the wager) that controls the game (i.e., allows the player to play a game). Fey does not, however, teach configuring the game station based on the personal profile of the player. Walker teaches configuring a game station based on a player's profile. (Abstract) This allows the casino to tailor the gambling experience to each individual player, thus encouraging players to return to the casino. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have configured the game station based on the personal profile of the player allowing the casino to tailor the gambling experience to each individual player, thus encouraging players to return to the casino.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Takemoto et al.	3,807,177	Chair, shelf, displays, back-to-back arrangement
Legras et al.	5,676,231	Console like Bally, note supports and access panel
Rowe et al.	6,116,597	Personal convenience unit
Ward	5,826,882	Back-to-back arrangement, access panel & support, leg room
Seelig et al.	5,560,603	2 displays, 2 different games
Infanti	5,678,886	Chair with tray
Pease et al.	5,326,104	Chair with tray and cup holder
Wells	6,161,805	Shelf for gaming machine
Malavazous et al.	6,105,962	2 display game machine with overhanging shelf on console
Wurz et al.	6,334,612	Gaming machine with chair and legroom
Scarne	N/A	Equivalence of Bingo & Keno & popularity of same

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

September 6, 2002



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700